

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CANDY C. CARSNER,

CASE NO. C17-5280-JLR

Plaintiff,

## ORDER

V.

NANCY A. BERRYHILL,

**Defendant:**

## I. INTRODUCTION

This matter comes before the court on the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler (R&R (Dkt. # 17)) and Candy C. Carsner's objections thereto (Objections (Dkt. # 21)). Having carefully reviewed all of the foregoing, along with all other relevant documents, and the governing law, the court ADOPTS the Report and Recommendation (Dkt. # 17) and DISMISSES Ms. Carsner's complaint with prejudice.

## II. STANDARD OF REVIEW

2 A district court has jurisdiction to review a Magistrate Judge's report and  
3 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must  
4 determine de novo any part of the magistrate judge's disposition that has been properly  
5 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part,  
6 the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).  
7 The court reviews de novo those portions of the report and recommendation to which  
8 specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121  
9 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review  
10 the magistrate judge's findings and recommendations de novo if objection is made, but  
11 not otherwise." *Id.* When no objections are filed, the court need not review de novo the  
12 report and recommendation. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005).

### III. DISCUSSION

14 The Plaintiff's objection to the Report and Recommendation asserts that the  
15 Administrative Law Judge's ("ALJ") Step Five Findings were not supported by  
16 substantial evidence. (Objections at 1.)

17 Plaintiff's objection doesn't raise any novel issue that was not addressed by  
18 Magistrate Judge Theiler's Report and Recommendation. Moreover, the court has  
19 thoroughly examined the record before it and finds the Magistrate Judge's reasoning  
20 persuasive in light of that record. Plaintiff essentially reargues the arguments she made  
21 to Magistrate Judge Theiler, and the court independently rejects them for the same  
22 reasons as Magistrate Judge Theiler.

#### IV. CONCLUSION

For the foregoing reasons, the court hereby ORDERS as follows:

(1) The court ADOPTS the Report and Recommendation (Dkt. # 17) in its entirety;

(2) The court DISMISSES Plaintiff's Complaint (Dkt. # 3) with prejudice; and

(3) The court DIRECTS the Clerk to send copies of this Order to Plaintiff, to

counsel for Defendant, and to Magistrate Judge Theiler.

Dated this 21<sup>st</sup> day of November, 2017.

  
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JAMES L. ROBART  
United States District Judge